

**MINUTES
VILLAGE OF LAKE PARK
PLANNING BOARD
3801 LAKE PARK ROAD, LAKE PARK, NC
JULY 21, 2015**

Planning Board Members Present: Greg Crosby, Bjarne Hansen Fred Leverenz and John Laurents.

Attorney: Ken Swain

Zoning Administrator: Cheri Clark

Council Liaison: Mark Phillips

Call to Order: Chairman Greg Crosby called the July 21, 2015 Planning Board meeting to order.

Pledge of Allegiance: Chairman Greg Crosby led the Pledge of Allegiance.

Public Comments: Amee Warren – 6600 Conifer Circle – submitted a fence application to the HOA on 4/2/15. The application that was submitted had 2 issues one with the UDO and one with the UDO and the HOA. The first issue is that the lot is a corner lot and fences can only be 42” and second the HOA guidelines state that the fence shall be compatible with the adjacent fence. The adjacent fence is ornamental iron. Mrs. Warren owns 3 pit bulls and a 42” fence is not tall enough to contain the dogs and the adjacent fence is not designed to contain dogs. The neighbor has a “beware of dogs” sign on the fence. The Warrens never would have purchased this house if they had known that the fence was going to be an issue. It has been 106 days.

Chairman Greg Crosby shared that all we can comment on tonight is what is enclosed in the UDO and there is no proceeding before it that would allow for this board or the board of adjustments to make any type of formal decision. The process directed in the UDO is what would need to be followed in this or any other similar situation. However, he did indicate that the Board can sympathize with what you are going through.

Attorney Ken Swain stated that it is his understanding that the application for fence was submitted to the Village on June 19th and that there had been some continuing dialogue between the applicant and Village staff before any decision would be made about the application. He indicated that once all of the necessary documents had been provided by the applicant and the applicant had informed the Village staff that all of those documents had been submitted the Village staff would provide the applicant with a decision regarding the application. Attorney Ken Swain advised that neither he nor the Village could provide the applicant with any legal advice about the matter and that the Village could not make any

representations regarding how the issue would be addressed by the applicable HOA and its CC & R's. He indicated finally that any other questions about the process and potential remedies regarding decisions made during the process would likely best be addressed to an attorney of their choosing.

Approval of Minutes: Bjarne Hansen made the motion to approve the May 19, 2015 Planning Board minutes as presented. John Laurents seconded the motion. Vote – Unanimous.

Changes to the Agenda: There are no changes to the agenda.

Council Liaison: Mark Phillips shared that the open positions on the Planning Board/Board of Adjustments are being advertised in the newsletter.

Oath of Office: Bjarne Hansen took the oath of office to serve on both the Planning Board and the Board of Adjustments for another 3 year term.

Board Positions: Chairman Greg Crosby shared that he will be resigning effective tonight since he has been transferred to Hickory. He thought he was going to be here until the end of August however his house sold in two days and closes mid-August.

Bob Benzin – Logan Circle – shared that in the past he has volunteered within the Taxpayers Association as the Chairman of the Zoning committee for the Town of Grand Island. Chairman Greg Crosby encouraged Bob to get involved in the Village.

Cheri Clark shared an update from Vagn Hansen concerning the legislative/legal changes that will need to be addressed by the Village in the coming months to ensure that the UDO is in compliance with the recent statutory changes and a US Supreme Court Case.

First is the issue raised in the recently decided case of Reed v. Gilbert in the US Supreme Court. The court's finding in this matter, is that any type of regulation of signs by their function, as evidenced by their content, is prohibited on 1st Amendment grounds. While it has been very common for cities to differentiate signs (particularly temporary signs) based on whether they were providing directions to an event, advertising the sale of real estate, identifying a business, or similar matters, such distinctions were held to be unconstitutional. Vagn Hansen has a model that he can share with Planning Board to help the Village adapt the UDO.

The legislature, through Senate Bill 25, now Session Law 2015-86, has prohibited the enforcement of a broad range of architectural design requirements for one and two-family dwellings, unless they fall within a very narrow range of defined circumstances. There is a bit of ambiguity in the bill which could allow their enforcement through the use of an overlay district, but in all likelihood that would violate the spirit of the legislation. The most prudent thing for the Village to do would be to repeal the applicability of its design regulations with regard to one and two-family dwellings. This will likely include certain townhouses as well depending on the section of the building code under which they were/will be constructed.

House Bill 201, which has been ratified but not signed by the governor yet, removes the option for protest petitions in zoning map amendment cases. Assuming that the bill becomes law, we will just need to remove those provisions from the ordinances as they will be moot.

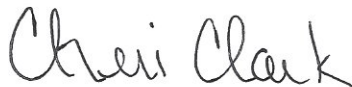
Board Comments: Bjarne Hansen, Fred Leverenz and John Laurents thanked Chairman Greg Crosby for his involvement with the Village and wished him well. Chairman Greg Crosby has been serving in some capacity since being elected to Council in 2003. Attorney Ken Swain and Cheri Clark also wished Chairman Greg Crosby the best and expressed how much they have enjoyed working with him.

Chairman Greg Crosby shared that it has been an honor to serve on the Council for two terms, to be part of the UDO development team and to serve as Chairman of the Planning Board and Board of Adjustments.

Setting Agenda for Next Month's Meeting: Add: Legislative Updates. Keep: Board Positions. Board of Adjustments will meet immediately following Planning Board.

Adjourn: Bjarne Hansen made the motion to adjourn. John Laurents seconded the motion.
Vote – Unanimous.

Respectfully Submitted,

A handwritten signature in black ink that reads "Cheri Clark". The signature is written in a cursive, flowing style.

Cheri Clark
Clerk